

Mr. SCALISE appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear or affirm that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office on which you are about to enter, so help you God.

The SPEAKER. Congratulations. You are now a Member of the 110th Congress.

#### ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Under clause 5(d) of rule XX, the Chair announces to the House that, in light of the administration of the oath to the gentleman from Louisiana, the whole number of the House is 434. . . .

#### CALENDAR WEDNESDAY—CONTINUED

The SPEAKER pro tempore (Mr. [Earl] POMEROY [of North Dakota]). The Clerk will resume the call of the roll of committees.

The Clerk called the committees.

### § 4. Challenging the Right to be Sworn

When the Speaker directs Members-elect to take the oath of office *en masse*, any Member-elect may challenge the right of another Member-elect to be sworn.<sup>(1)</sup> This authority derives from the Constitution, which provides that “Each House shall be the Judge of the Elections, Returns, and Qualifications of its own Members.”<sup>(2)</sup> The challenging Member-elect must base the challenge on either specific information or on his or her own responsibility as a Member-elect.<sup>(3)</sup> A challenge may be directed at an individual Member-elect, or at an entire state delegation.<sup>(4)</sup>

When a challenge is made, the Speaker requests that the challenged Member(s)-elect not rise to take the oath with the rest of the membership. The Speaker does not rule on the challenge but awaits a decision of the

1. See, *e.g.*, Deschler’s Precedents Ch. 2 §6.1.

2. U.S. Const. art. I, §5, cl. 1; *House Rules and Manual* §46 (2017).

3. See Deschler’s Precedents Ch. 2 §6.2. If the Member-elect does not state a sufficient basis for the challenge, the House may decline to entertain it. See 1 Hinds’ Precedents §455.

4. See, *e.g.*, Deschler’s Precedents Ch. 2 §§6.4, 6.5. Instances of challenges being made to entire state delegations are found primarily in the Civil War-era, where the issue was the status of the constituency rather than the qualifications or elections of the individual Members. See 1 Hinds’ Precedents §§457, 460–462.

House as to whether the challenged Member(s)–elect may take the oath. A challenged Member–elect does not lose any rights or privileges as a Member–elect.<sup>(5)</sup> A challenged Member–elect may be permitted to debate the issue of the right to the seat.<sup>(6)</sup> Challenged cases are taken up in the order in which the challenges are made.<sup>(7)</sup> While resolutions addressing the right of a Member–elect to be sworn are privileged,<sup>(8)</sup> the House may complete other organizational business first,<sup>(9)</sup> or proceed to legislative business by unanimous consent.<sup>(10)</sup>

The House typically resolves a challenge to seating a Member–elect by one of three methods. The House may simply choose to authorize the administration of the oath to the challenged Member–elect (by privileged resolution), determining both the *prima facie* and final right to the seat.<sup>(11)</sup> Alternatively, the House may only determine the *prima facie* right to the seat and adopt a resolution authorizing the administration of the oath, but referring the question of the final right to the seat to a committee.<sup>(12)</sup> Finally, the House may choose not to permit the administration of the oath to the Member–elect, but instead refer the issues of both the *prima facie* and final right to the seat to committee.<sup>(13)</sup> A variety of factors determine which type of resolution the House will adopt, including the grounds for the challenge and the sufficiency of the evidence presented. If the House determines that a Member–elect should not be seated, and that individual is reelected to that same Congress (or a subsequent Congress), a new challenge must be made when such individual appears to take the oath.<sup>(14)</sup>

In 1969, Congress passed the Federal Contested Elections Act<sup>(15)</sup> which set forth procedures for resolving election contests in the House.<sup>(16)</sup> The filing of a “notice of contest” under the statute by a contestant confers jurisdiction on the Committee on House Administration to investigate the case

5. For more on the status of Members–elect versus full Members, see § 1, *supra*.
6. Debate will generally not be permitted until the remaining Members–elect have been sworn. See Deschler’s Precedents Ch. 2 § 6.3. For floor privileges of contestants and contestees in election cases, see Deschler’s Precedents Ch. 4 § 4.5 and Precedents (Wickham) Ch. 4 § 5.
7. See 1 Hinds’ Precedents §§ 147, 148.
8. *House Rules and Manual* § 201 (2017).
9. See 1 Hinds’ Precedents § 474.
10. See 1 Hinds’ Precedents §§ 151, 152.
11. See Deschler’s Precedents Ch. 2 § 6.5.
12. See 1 Hinds’ Precedents § 544. The committee with jurisdiction over contested elections (and Federal elections generally) is the Committee on House Administration. Rule X, clause 1(k)(12), *House Rules and Manual* § 724 (2017).
13. See, *e.g.*, § 4.1, *infra*.
14. See Deschler’s Precedents Ch. 2 §§ 6.7–6.9.
15. P.L. 91–138, 83 Stat. 284, as amended by P.L. 104–186, 110 Stat. 1718, codified at 2 U.S.C. §§ 381–396.
16. For election contests generally, see Deschler’s Precedents Ch. 9 and Precedents (Wickham) Ch. 9.

and recommend a course of action to the full House. No further action of the House is necessary to begin that process. It is rare for a Member-elect to formally challenge the administration of the oath to another Member-elect based merely on the filing of a notice under the statute.<sup>(17)</sup> Rather, the House generally allows the investigation to proceed under the statute and awaits the recommendation of the committee. By seating a contestee under such circumstances, the House makes the initial determination that the individual has a *prima facie* right to the seat, but makes no such determination as to the final right to the seat.<sup>(18)</sup>

Since the advent of these statutory mechanisms for challenging the right of a Member-elect to be seated, there have been relatively few occasions in which a Member-elect took the initiative to offer a challenge on the floor. In 1985, a challenge was made to the seating of Richard McIntyre of Indiana, and the issue of the *prima facie* and final right to the seat was referred to the Committee on House Administration.<sup>(19)</sup> Also in 1985, a challenge was made to the seating of Richard Stallings of Idaho, but a resolution was adopted authorizing the Speaker to administer the oath.<sup>(20)</sup> A notice of a contested election had been filed in the case, and so there was no need for the House to refer the issue of the final right to the seat to committee.

**§ 4.1 Where a candidate's certificate of election was contradicted by extrinsic evidence of irregularities in state certification of recount procedures (although not by documents from state election officials), the Speaker requested the challenged Member-elect to remain seated while other Members-elect were administered the oath of office, following which the House adopted a resolution declaring that neither candidate was to be sworn, and that the question of the right to the seat be referred to the Committee on House Administration.**

On January 3, 1985,<sup>(21)</sup> the following occurred:

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#### SWEARING IN OF MEMBERS

The SPEAKER.<sup>(22)</sup> According to the precedents, the Chair will swear in all Members of the House at this time.

17. For parliamentary inquiries on this issue, see § 2.3, *supra*.

18. *Id.*

19. See § 4.2, *infra*. Following the committee investigation, the House eventually seated the contestee in that case, Frank McCloskey. See § 3.8, *supra*.

20. See § 4.1, *infra*.

21. 131 CONG. REC. 380-382, 386-387, 99th Cong. 1st Sess.

22. Thomas O'Neill (MA).

The Chair recognizes the gentleman from Texas [Mr. WRIGHT].

Mr. [James] WRIGHT. Mr. Speaker, upon my responsibility as a Member-elect of the 99th Congress, I object to the oath being administered to the gentleman from Indiana, Mr. McIntyre, and I base this upon facts and statements which I consider to be reliable.

The SPEAKER. Are there any other Members-elect who wish to offer a challenge?

The Chair recognizes the gentleman from Indiana [Mr. MYERS].

Mr. [John] MYERS of Indiana. Mr. Speaker, upon my responsibility as a Member-elect of the 99th Congress, I object to the oath of office being administered to the gentleman from Idaho, Mr. RICHARD STALLINGS. I base this upon statements and information which I deem reliable.

The SPEAKER. Are there any other Members-elect to be challenged?

The Members-elect that have been challenged will be seated. The remaining Members will take the oath of office.

The Members-elect and Delegates-elect and the Resident Commissioner-elect rose, and the Speaker administered the oath of office to them.

The SPEAKER. Congratulations. The gentlemen and gentlewomen are now Members of the 99th Congress of the United States.

#### REFERRING ELECTION OF A MEMBER FROM THE EIGHTH CONGRESSIONAL DISTRICT OF INDIANA TO THE COMMITTEE ON HOUSE ADMINISTRATION

Mr. WRIGHT. Mr. Speaker, I have a privileged resolution at the Clerk's desk, and I ask for its immediate consideration.

The Clerk read the resolution, as follows:

##### H. RES. 1

*Resolved*, That the question of the right of Frank McCloskey or Richard McIntyre to a seat in the Ninety-ninth Congress from the Eighth Congressional District of Indiana shall be referred to the Committee on House Administration, when elected, and neither Frank McCloskey nor Richard McIntyre shall be sworn until the Committee on House Administration reports upon and the House decides such question. For each day during the period beginning on the date on which this resolution is agreed to and ending on the day before the date on which the House decides such question, Frank McCloskey and Richard McIntyre shall each be paid an amount equal to the daily equivalent of the annual rate of basic pay payable to a Member of the House. For the period beginning on the date on which this resolution is agreed to and ending on the date on which the House decides such question, the Clerk of the House shall provide for clerical assistants in the manner provided by law for the case of death or resignation of a Member and shall otherwise perform full administrative functions with respect to the Eighth Congressional District of Indiana. There shall be paid from the contingent fund of the House such sums as may be necessary to carry out this resolution.

The SPEAKER. The gentleman from Texas [Mr. WRIGHT], under the precedents, is recognized for 1 hour

Mr. WRIGHT. Mr. Speaker, for purposes of debate only, I shall yield 30 minutes to the gentleman from Minnesota [Mr. FRENZEL], and pending that, I yield myself such time as I may consume.

#### PARLIAMENTARY INQUIRY

Mr. [George] GEKAS [of Pennsylvania]. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. Does the gentleman from Texas yield for a parliamentary inquiry?

Mr. WRIGHT. I yield to the gentleman from Pennsylvania for a parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. GEKAS. I simply would ask the Speaker of the House to pose the question that is before the House precisely so that we know about what the debate to ensue is concerned.

Mr. WRIGHT. I will be glad to explain, Mr. Speaker.

The SPEAKER. The answer to the point of parliamentary inquiry is the gentleman from Texas [Mr. WRIGHT] has offered in the House a resolution which the Clerk has read. That is what the House is debating, and that is what we will vote on.

Mr. GEKAS. Then, Mr. Speaker, I simply would ask the gentleman to repeat at the outset the body of the resolution which he has presented.

The SPEAKER. The gentleman from Texas [Mr. WRIGHT] is recognized.

Mr. WRIGHT. Mr. Speaker, I will be happy to explain the resolution.

This is a very simple resolution which follows precedents previously established in the House in situations which are similar. This resolves the question in regard to the disputed election in the Eighth Congressional District of Indiana in the same manner in which previous disputes of a similar and, in fact, almost identical nature have been resolved in the House.

The resolution provides that the question of the right of Frank McCloskey or Richard McIntyre to a seat in the 99th Congress shall be referred to the Committee on House Administration, and that neither Frank McCloskey nor Richard McIntyre shall be sworn until the Committee on House Administration reports upon, and the House decides, the question of which is truly and duly elected.

This House, Mr. Speaker, has been invested by the Constitution with the responsibility to judge the qualifications, returns, and elections of its Members. That responsibility the House always has taken very seriously. To prevent election disputes from degenerating into partisan confrontations, the House has created a general presumption in favor of the candidate who is certified by the appropriate State election official as a Member-elect. That certification carries with it the presumption that the State election procedures have been timely, regular, and fairly implemented.

The House will reject a certification only under the most exceptional circumstances, where the very ability of the State election procedures to determine the outcome accurately is put into serious, question. Regrettably the election in the Eighth Congressional District of Indiana falls into this most narrow of exceptions.

The election procedures employed in the Eighth Congressional District have been neither timely nor regular, and serious questions have been raised with respect to their fairness. As of today, the recount provided for by State law is far from complete. Major changes in the election totals occur almost daily. The outcome of the race has changed as different counties have concluded their recounts. The results from the counties which have certified new recount totals would give Mr. McCloskey a lead of some 47 votes at this particular moment, and that, of course, differs from the results upon which the secretary of state based his certification to the House. His certification reflects only the totals from the first county of the multicounty district which completed its recount.

The State procedures have consequently failed to produce a timely resolution of the election on which the House can confidently rely in discharging our constitutional responsibility.

Neither has the State procedure been regular in its application; 15 separate counties are participating in the recount. Each such county is operating under its own set of rules.

As a consequence, ballots bearing identical minor flaws are counted or not counted, depending upon the individual county involved. There is no uniformity of rule or application. Literally hundreds of votes already have been disallowed.

The technical requirements for counting votes in Indiana are so complex and so confusing that the recount underway has not to date produced a result on which the House can rely. Discrepancies in vote totals from election night and during the recount make it absolutely impossible at this stage to determine with certitude who is the duly elected Member from the Eighth Congressional District of Indiana. Seating one candidate or another would be based on mere speculation.

Questions have been raised additionally about the extent to which the certification and recount procedures may have been subject to partisan pressures, and this puts into question the impartiality and the fairness of the process. The combination of these factors renders the House at this time unable to judge the election in a manner commensurate with its constitutional responsibility to the people of the Eighth Congressional District of Indiana. The election procedures to date have simply not yielded a result on which the House can judge.

A very similar, in fact almost identical situation confronted the House in 1961 in a contest between Mr. Roush and Mr. Chambers.

Ironically, that case arose also in the State of Indiana. In that instance, which forms the closest on-point precedent to the present situation, Mr. Chambers was certified by the secretary of state as having been elected based upon a unilateral determination of error on the part of the secretary of state. In that instance the House asked both candidates to stand aside, as this resolution would ask today.

In that prior instance the complete investigation and recount revealed that the secretary of state was in error and that Mr. Roush had been duly and truly elected.

And so, Mr. Speaker, in keeping with the solemn constitutional responsibility of the House and pursuant to the best precedent available to us, I find it most unfortunate that we are resorting to this extraordinary measure, but I find it to be the only fair and honorable procedure available to us.

Let me assure my colleagues, and more importantly assure the voters of the Eighth Congressional District of Indiana, that this matter will be resolved fairly and openly, and I hope, trust, and intend that it shall be resolved expeditiously.

Mr. Speaker, I reserve the balance of my time.

Mr. [William] FRENZEL [of Minnesota]. Mr. Speaker, I yield 2½ minutes to the distinguished minority leader, the gentleman from Illinois [Mr. MICHEL]. . . .

To do anything short of seating Mr. McIntyre, in effect disenfranchises 500,000 Indiana citizens for an indefinite period of time.

They would have no voice, no voice, and without good cause.

One final point: The shadow of the Supreme Court case of Powell versus McCormack rests in this Chamber today. Some of us recall how the House excluded Representative-elect Powell from the 90th Congress. He had a certificate of election. Let us remember that the bottom line of that decision was "In judging the qualification of its Members under Article I, section 5, the Congress is limited to the standing qualifications expressly prescribed by the Constitution." And that is, as I recall from my grade school history, being 25 years of age, a citizen of the United States for 7 years, an inhabitant of the State from which one is elected, and holding a certificate of election from one's secretary of State. That is all that it says.

And we were in error some time ago when we denied a Member a seat because we did not adhere to those four basic principles and you are going to do the same thing here today if you do not vote down the gentleman from Texas' resolution.

Mr. Speaker, I yield back the balance of my time.

Mr. FRENZEL. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana, Mr. McIntyre.

The SPEAKER. The gentleman does not have the right to participate in debate unless the House agrees. If there is an objection from the House, the gentleman may not speak.

Without objection, the gentleman is entitled to 5 minutes.

There was no objection.

Mr. MCINTYRE. Thank you, Mr. Speaker.

Mr. Speaker, and Members of the House, I did not expect my maiden speech to the House to be like this and I wish that it was not. But I do appreciate the opportunity.

As you know from the testimony here today we had a very close election in Indiana. I was certified the winner by 34 votes. . . .

Mr. WRIGHT. Mr. Speaker, I yield myself such time as I may consume. I had not intended to speak again on this subject; I do so only to make abundantly clear in the RECORD that no violation of precedent or principle is being contemplated by the resolution presently under consideration. . . .

I have just one other thing to say, and this is with respect to the suggestion that somehow what we are doing today runs contrary to the ruling of the Supreme Court in the case of Powell versus McCormack. That is not true either.

Section 5 of article I of the Constitution reads as follows:

Each House shall be the judge of the elections, returns, and qualifications of its own Members.

In the McCormack case, we were not attempting to Judge an election; we were presuming to judge qualifications. The Court, in my opinion rightly, held that the House could not add to the constitutionally enumerated qualifications. So in the case of Mr. Powell we were held by the court to have acted unconstitutionally. We were not Judging an election; we were judging qualifications.

Today, there is no question of qualifications. Nobody has suggested that the splendid young gentleman, Mr. McIntyre, lacks qualifications or that he is not constitutionally qualified to serve if it shall be determined that he was, indeed, duly elected. Nobody has made that suggestion. We are not presuming to judge his qualifications, as the House has in the Powell case.

What we are attempting to do here is to fulfill our constitutional responsibility to make certain that an election has been duly and truly held, that its result has been timely and regular, and that the procedures have been fair. In this instance, there is serious question.

So we are attempting to do what we think is the only fair thing to do. That is to ask each of the two contestants to stand aside until the Committee on House Administration shall have completed its recount and rendered its judgment.

Mr. Speaker, on the resolution, I call for the previous question.

Mr. FRENZEL. Mr. Speaker, will the gentleman yield for a question on his resolution?

Mr. WRIGHT. Mr. Speaker, I will withhold my call for the previous question in order that I may yield to my friend, Mr. FRENZEL.

Mr. FRENZEL. I appreciate the gentleman yielding.

Mr. Speaker, on page 2, in lines 13 through 19, it describes the duties of the Clerk providing clerical assistance to maintain the full administrative functions for the Eighth District of Indiana.

My question is: Can the distinguished majority leader assure us that none of the employees of former Congressman McCloskey will be maintained on the House payroll for the purposes of performing full administrative functions with respect to the Eighth District of Indiana?

Mr. WRIGHT. I think I understand the gentleman's question.

I would presume that the Clerk of the House will act in exactly the same way as he did in the Phil Gramm case, and exactly as he does in cases involving the death of a Member. I think that is in keeping with his constitutional responsibilities.

I move the previous question on the resolution, Mr. Speaker. . . .

The question is on ordering the previous question.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. FRENZEL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 238, nays 177, not voting 11, as follows:

[Roll No. 3] . . .

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

**§ 4.2 Where the right of a Member-elect to take the oath of office was challenged, the Majority Leader offered a resolution authorizing the Speaker to administer the oath to the Member-elect.<sup>(23)</sup>**

On January 3, 1985,<sup>(24)</sup> the following occurred:

Mr. [James] WRIGHT [of Texas]. Mr. Speaker, I have a privileged resolution at the Clerk's desk, and I ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 2

*Resolved*, That the Speaker is hereby authorized and directed to administer the oath of office to the gentleman from Idaho, Mr. STALLINGS.

The SPEAKER.<sup>(25)</sup> The gentleman from Texas [Mr. WRIGHT] is recognized for 1 hour.

Mr. WRIGHT. Mr. Speaker, I do not expect this debate to consume an hour.

Mr. Speaker, I will yield 15 minutes, for purposes of debate only, to the gentleman from Indiana [Mr. MYERS]. I also yield myself 15 minutes for that purpose, pending

23. *Parliamentarian's Note*: As noted in debate on this resolution, notice of an election contest had been filed with the Clerk pursuant to statute (2 U.S.C. §§ 381 *et seq.*) and an investigation begun. As a result, it was not necessary for the House to refer the issue to the final right to the seat to the Committee on House Administration.
24. 131 CONG. REC. 381, 388–89, 391, 392, 99th Cong. 1st Sess. See also Precedents (Wickham) Ch. 4 § 3.6 (broadcasting committee proceedings on recount of ballots in election contest).
25. Thomas O'Neill (MA).



which, for that purpose only, I yield 15 minutes to the gentleman from Indiana [Mr. MYERS].

Mr. MYERS of Indiana. Mr. Speaker, earlier today when two Members were asked to stand aside, I asked to be one of those to stand aside for one reason.

I asked for Mr. STALLINGS of Idaho to stand aside for one reason. Even though it is not required by statute to do this, historically we have asked seats in question to stand aside, and then be sworn in without prejudice. . . .

I include the following:

STATE OF IDAHO,  
SECRETARY OF STATE,  
*Boise, January 2, 1985.*

BENJAMIN J. GUTHRIE,  
*Clerk, U.S. House of Representatives,  
U.S. Capitol, Washington, DC.*

DEAR MR. GUTHRIE: As the chief election officer of the State of Idaho I present this correspondence to further inform your office of certain proceedings presently pending in Idaho.

The Second District Congressional election in Idaho was decided by 170 votes.

Since issuance of the certificate of election by my office, certain allegations of substantial irregularities involving registration and voting in Blaine County, Idaho, have been presented by a member of our legislature. The alleged irregularities are stated to be of sufficient volume to potentially change the result of this congressional election.

In light of these complained of election irregularities, our office has sought the assistance of the Idaho Attorney General's office. The Idaho Attorney General's office is presently investigating these matters.

As you are aware our office has requested the assistance of the U.S. Attorney's office in investigating this matter.

Presently the U.S. Attorney's office has referred this request to their chief of election crimes branch in order that review of this matter may be expedited.

In Blaine County, Fifth District Judge Douglas Kramer has appointed special inquiry Magistrate Judge William Hart of Lincoln County, Idaho to head a probe of alleged voter fraud and election irregularities in Blaine County.

Blaine County Prosecuting Attorney Keith Roark, a democrat, has also initiated an investigation in this matter. The special inquiry procedure gives the prosecutor broad subpoena powers to investigate these matters. Mr. Roark has also asked the Federal Bureau of Investigation to Join in this investigation as well.

In the Idaho legislature, a special legislative committee will investigate the alleged election irregularities in Blaine County.

As the State's Chief Election official, I have pledged full cooperation and support to any partisan, bipartisan or non partisan agency, committee or office investigating the election irregularities in Blaine County, Idaho.

Since it is contended the outcome of these investigations may have a substantial impact on this election as well as other local elections. I have requested that these bipartisan investigations be completed as soon as is possible.

It continues to be my fervent hope that these matters will be resolved shortly and that the will of the people of Idaho will be accurately stated by sending to Washington that representative duly and lawfully elected.

Yours Truly,

PETE T. CENARRUSA,  
*Secretary of State of Idaho.* . . .

It will be a matter of delight for me to see how my friends on the Democratic side can rationalize one vote one way and another vote the other.

Let us look at the difference in the two campaigns. Both of them were close contests. STALLINGS was declared a winner by 170 votes; McIntyre by 40. Was there a contest filed by McCloskey? No. Is there a contest in the STALLINGS race? Yes, there is, duly filed with the House of Representatives, and of course a flock of court cases. . . .

Mr. WRIGHT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think it is significant that each of those on the other side who have spoken to this question have urged an aye vote on my motion. . . .

I think there are several clearly distinguishable features between this instance and the instance which we earlier resolved. In the first place, the Idaho case is similar to hundreds of cases that have occurred, whereas the Indiana case is distinct in various particulars. In the Idaho instance, the process was completed in a timely fashion. In Indiana, the process is unlikely to be completed for weeks yet to come. In Idaho, uniform procedures were followed for counting the ballots. In Indiana, the ballots were counted under 15 different sets of rules, and some of them have not been fully counted yet.

In Idaho the certification proceeded according to State law. In Indiana, the certification was held up until one county completed its recount, then hastily made and has not been left open for change. In Idaho, there was no discrepancy in the result. A recount was conducted by the State, was completed, and the gentleman from Idaho [Mr. STALLINGS], was declared to be the victor.

In Indiana, by contrast, the result is different according to which recount totals one uses. In Idaho, the State law is clear. In Indiana, the State law is complex and confusing. In Idaho, there were very few votes disallowed. In Indiana, hundreds, literally hundreds of votes have been disallowed.

Finally, in Idaho, all the State remedies have been exhausted and Mr. STALLINGS has been declared the winner. In Indiana, State remedies still remain. For all of these reasons, the two cases are clearly distinguishable, and I do not expect that Members are likely to vote against this present resolution, but I do want all of us to understand that in so doing we are not behaving in a manner inconsistent from the manner which we followed earlier in our determination that we were not yet prepared on the strength of the information available to us at this moment, to declare who the winner was in the instance of the Eighth District of Indiana.

In the present instance, I think we are prepared, and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. [Thomas] FOLEY [of Washington]). Without objection, the previous question is ordered on the resolution.

The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. [William] FRENZEL [of Minnesota]. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 407, nays 0, answered “present” 1, not voting 18, as follows:

[Roll No. 4] . . .

The SPEAKER. Will the gentleman from Arizona [Mr. UDALL] kindly bring the gentleman from Idaho [Mr. STALLINGS] to the well?

Does the gentleman from Arizona have any remarks that he wishes to express at this time?

Mr. [Morris] UDALL [of Arizona]. No, Mr. Speaker.

The Speaker administered the oath of office to the Member-elect, the Honorable RICHARD H. STALLINGS of Idaho.

The SPEAKER. Congratulations. You are now a Member of the Congress of the United States.